

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL WEST,)	
)	
Petitioner,)	
)	
v.)	No. 4:07CV01466 ERW
)	
ALAN STAHL,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court for initial review of petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. After reviewing the petition, the Court finds that it should be summarily dismissed.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

Under 28 U.S.C. § 2254(b)(1),

An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that–

(A) the applicant has exhausted the remedies available in the courts of the State . . .

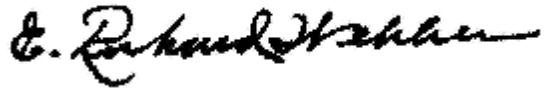
It is clear from the face of the petition that petitioner did not pursue post-conviction relief in the state trial court or the Missouri Court of Appeals. As a result, petitioner has not exhausted his available state remedies, and it plainly appears that petitioner is not entitled to relief.

Accordingly,

IT IS HEREBY ORDERED that West's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

So Ordered this 18th Day of October, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE